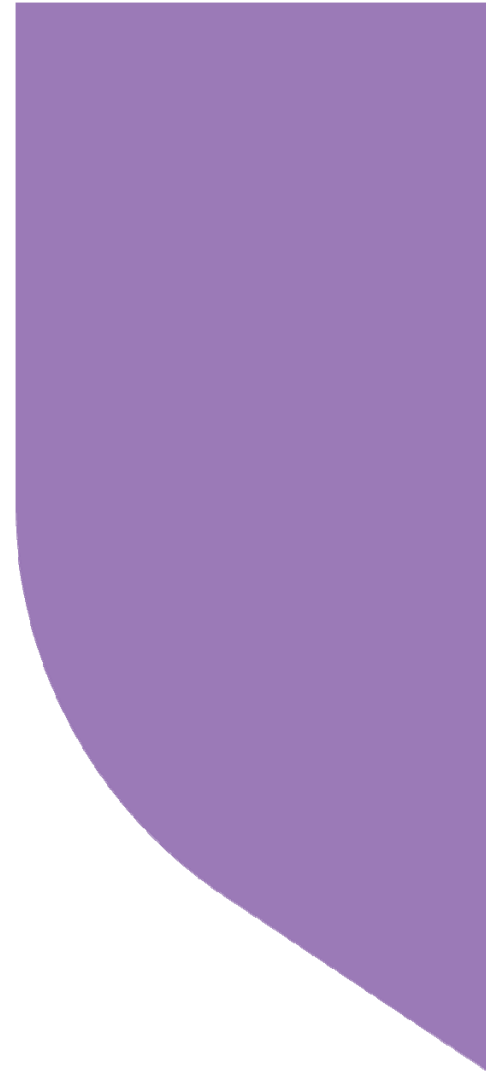


# ONC Information Blocking Rule background



# ONC Information Blocking Rule, promulgated under the 21<sup>st</sup> Century CURES Act, effective 11/2/2020

- The 21<sup>st</sup> Century CURES Act focuses on giving patients greater access to their health information. This legislation is in response to complaints of lack of interoperability between electronic health record systems.
- Patients have had, for the last 20 years, access to health information as defined by HIPAA, the Information Blocking Rule focuses on more immediate access to the same information.
- John Muir Health (JMH) is committed to providing a Community Connect platform that complies with all applicable federal and state laws and regulations, including compliance with the federal Information Blocking Rule effective 11/2/2020.
- JMH will communicate Epic changes enabling individual access to personal health information. This access will include, among other things, immediate access to test results, as well as direct (verbatim) content of progress notes, as required under the Information Blocking Rule.



For additional information please visit the [HHS website on the Information Blocking Rule](#)

proprietary and confidential

# What is Information Blocking?

Information blocking occurs when a person or entity – typically a health care provider, IT developer, or EHR vendor – knowingly and unreasonably **interferes with the exchange and use of electronic health information (EHI)**.

Examples:

- Blocking test results from release on MyChart;
- Delaying release of test results on MyChart;
- Not sharing clinical notes with patients on MyChart;
- Not allowing a patient to export their EHR data into an app.

\*Defined by HHS <https://www.healthit.gov/curesrule/final-rule-policy/information-blocking>

# What information is included?

All of the following electronic data must be shared with the patient through MyChart or an app without delay by November 2, 2020.

- Allergies
- Assessment and plan of treatment
- Care team
- Clinical notes
- Goals
- Health concerns
- Immunizations
- Labs
- Medication
- Demographics
- Problems
- Procedures
- Provenance
- Smoking status
- Unique device identifiers for implants
- Vitals

# Information Blocking Exceptions

Either provide information requested, apply one of these exceptions OR risk information blocking penalties.

## Exceptions that involve not fulfilling requests to access, exchange, or use EHI



1. Preventing Harm Exception



2. Privacy Exception



3. Security Exception

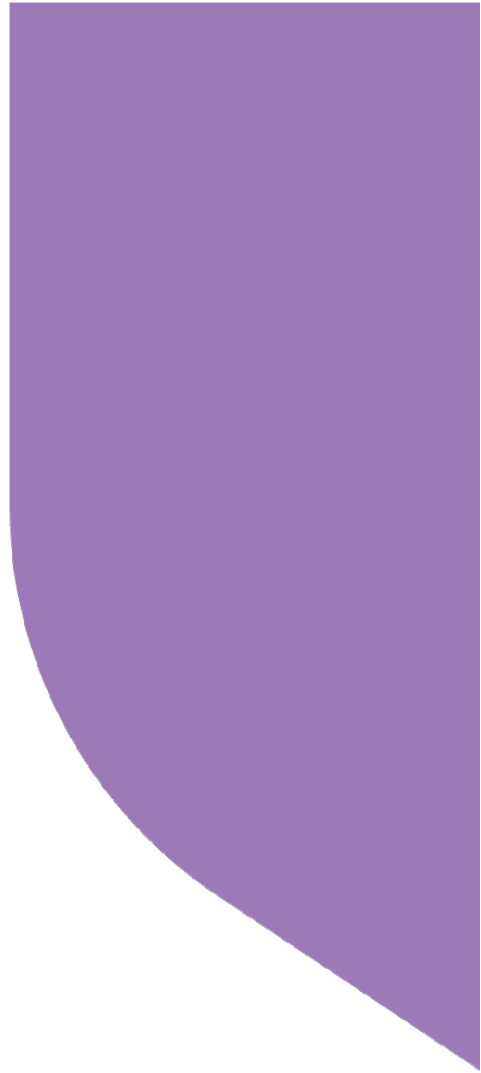


4. Infeasibility Exception



5. Health IT Performance Exception

# Release of Clinical Notes



# Notes created after November 2, 2020 will be immediately released to MyChart

CA orgs electing to not release pre-November 2, 2020 notes however, the ONC may view this as partial compliance to the rule and require release of historical notes;

Patients will need to follow the traditional MyChart ROI process to obtain PDF notes via MyChart. We would need to ensure a timely response to the request;

Signed clinical notes authored by providers and staff in the following categories will be automatically released to MyChart;

## Note Types:

Consultation Note

Discharge Summary Note

History & Physical

Procedure Note

Progress Note

# Ability to Unshare Notes as Exception

All notes, even those marked as sensitive, will be automatically shared in MyChart

- Sensitive Note workflow remains unchanged, security points dictate which clinicians can view notes marked as sensitive.

If a provider feels a note qualifies for an exception, they may choose to 'Unshare' the note\*

- Will require input of reason when selecting Unshare
- Reasons (exceptions) may include:
  - The privacy exception (e.g., if a patient requested that we withhold information or if a federal or state law prohibits the disclosure)
  - The preventing harm exception (e.g., a provider reasonably believes holding onto the information will reduce a risk of harm to the life or physical safety of the patient or someone else.)

\* Epic work flow tip sheets publication targeted week of 10/26/2020



# Release of Lab Results

# Increased Access to Test Results on MyChart beginning November 2, 2020

**All lab results (normal and abnormal) will be *automatically* released to the patient on MyChart except those covered by an exception or prohibited by California law**

California law identifies 4 categories of “sensitive” test results which may be released/ posted online only after:

- the patient requests the electronic disclosure;
- the health care professional deems the e-disclosure appropriate;
- and the health care professional has first discussed the results with the patient either in person, by phone or by any other means of oral communication.

# Manually Release Sensitive Test Results (Ambulatory)

The following tests will need to be manually released by the provider:

- HIV
- Hepatitis
- Drug
- Tests which reveal a malignancy (skin biopsies, pap smear, tests on the products of conception, bone marrow aspirations for morphological evaluation);
- Genetics (this is not under CA law but project team feels it falls under Preventing Harm Exception.

**Workflow change that providers would manually release sensitive test results (no release to MyChart in the past)**

# Release of non-sensitive IP Test Results Immediately; Release sensitive results 2 weeks post-discharge

For sensitive results, 2 weeks takes into account time it might take for provider to speak to patient regarding test that happened just before discharge.

# Release of Imaging Results

# Increased Access to Test Results on MyChart beginning November 2, 2020

**All lab results (normal and abnormal) will be *automatically* released to the patient on MyChart except those covered by an exception or prohibited by California law**

California law identifies 4 categories of “sensitive” test results which may be released/ posted online only after:

- the patient requests the electronic disclosure;
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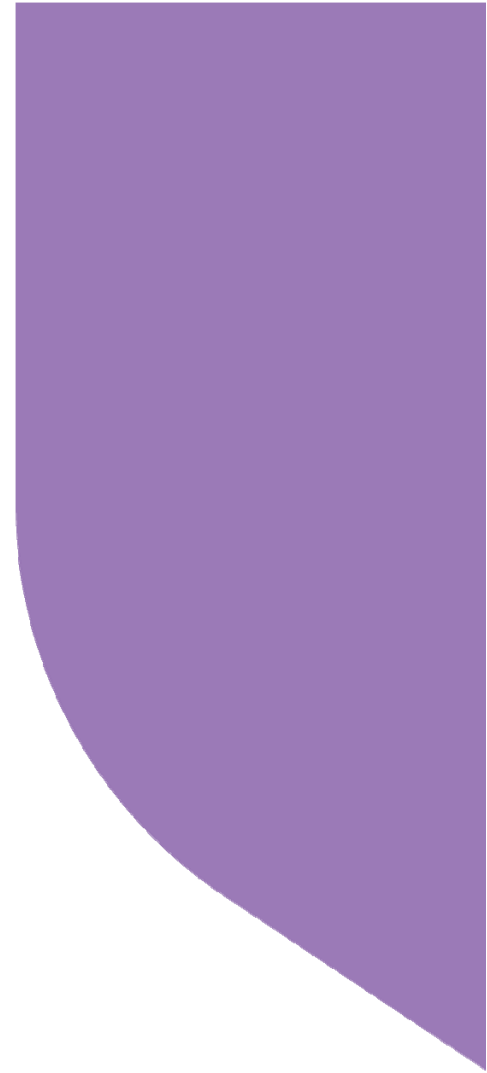
# Release film(x-ray) reports immediately; release IP results in 24 hours; hold all other imaging results from releasing until 4 days

According to CA Law, we must hold back tests which reveal a malignancy; Currently there is no way for the system to delineate between sensitive and non-sensitive imaging results.

***Infeasibility Exception: Segmentation: The actor cannot fulfill the request for access, exchange, or use of EHI because the actor cannot unambiguously segment the requested EHI.***

JMH IT team investigating a way to delineate test results, to be implemented at a later date.

# Peds/Proxy Workflow changes





# Evaluating Keeping Current MyChart Workflows for ages 12-17 under Infeasibility Exception

The ONC ruling refers to HIPAA, which could point to teens needing access to view USCDI data;

However, this likely falls under the Infeasibility exception due to the current inability to segment info (and significant tech and finance resources that would need to be involved in implementation);

Continue to work on roadmap for future implementation of enhanced viewing for ages 12-17 based on applicable CA laws;

Project team will add language to terms and conditions regarding ability to request in.